

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARL McARTHUR,

Defendant.

09-CR-03-LRR

**ORDER**

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The matter before the court is Defendant Carl McArthur's Motion to Suppress ("Motion") (docket no. 16).

On January 28, 2009, Defendant was charged in a one-count Indictment (docket no. 2) with being a prohibited person in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(3), 922(g)(9) and 924(a)(2). The Indictment also contains a forfeiture provision.

On May 15, 2009, Defendant filed the Motion. On June 10, 2009, the government filed a Resistance (docket no. 21). The parties agreed that a hearing on the Motion was not necessary.

On June 16, 2009, Judge Scoles filed a Report and Recommendation (docket no. 24) recommending the undersigned deny the Motion. The Report and Recommendation stated that "within ten (10) days after being served with a copy of [the] Report and Recommendation, any party may serve and file written objections with the District Court." Report and Recommendation at 4.

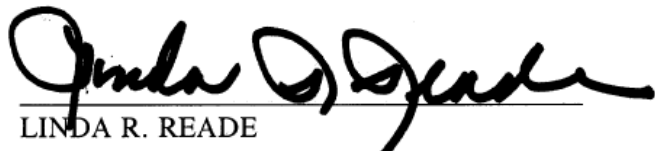
The time to object to the Report and Recommendation has expired. Defendant has thus waived his right to de novo review of the Objections. *See, e.g., United States v. Rodriguez*, 484 F.3d 1006, 1010-11 (8th Cir. 2007) ("Rodriguez's 'failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the



findings of fact contained therein.’”) (quoting *United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001)). In the absence of objections to a magistrate judge’s report and recommendation, the court reviews the report for “plain error.” *Rodriguez*, 484 F.3d at 1011. The court finds no plain error in Judge Scoles’s decision. Accordingly, the court **ADOPTS** the Report and Recommendation (docket no. 24) and **DENIES** the Motion (docket no. 16).

**IT IS SO ORDERED.**

**DATED** this 6th day of July, 2009.



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LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA